

**GOVERNMENT OF TELANGANA
ABSTRACT**

Tribal Welfare Department – Telangana State – Adilabad District – Issue of Agency Area Local ST Certificates under GO Ms.No.24 of dt.12.6.2018 of TW (LTR.1) Department – Cancellation of Agency Area Scheduled Tribe Certificate by the Collector & District Magistrate, Adilabad District vide Procgs.Rc.No.C3/530/2019-9, dt.24.09.2020 - Appeal filed by Jadhav Dinesh, S/o: Jadhav Ramdas, R/o: Shamanaik Thanda H/o. Hasnapur of Utnoor Mandal, Adilabad District – Appeal allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No.35

Date:20.04.2021

Read the following:-

1. GO Ms.No.24, TW (LTR.1) Department, dated 12.6.2018.
2. Procgs. Rc.No.C3/530/2019-9, dt.24.09.2020 of the Collector & District Magistrate, Adilabad District.
3. Appeal petition filed by Jadhav Dinesh, S/o: Jadhav Ramdas, R/o: Shamanaik Thanda H/o. Hasnapur of Utnoor Mandal, Adilabad District, dated 20.01.2021.
4. Govt.Memo.No.116/TW.LTR/2021, Dt.29.01.2021 &08.02.2021.
5. Lr.Rc.No.D5/309/2018, dated: .02.2021 of the PO, ITDA, Utnoor, Adilabad District.
6. Notice No.116/TW.LTR/2020, dt:08.02.2021.

ORDER

In the reference 1st read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2. In pursuance of the said Government orders under reference 1st read above, the Collector & District Magistrate, Adilabad District vide her orders in the reference 2nd cited, has cancelled Agency Area Local ST Certificate bearing No. C/399/2018, dated 07.03.2019 issued by the Tahsildar Utnoor Mandal of Adilabad District Jadhav Dinesh, S/o: Jadhav Ramdas, R/o: Shamanaik Thanda H/o. Hasnapur of Utnoor Mandal, Adilabad District.

3. The history of the case is that the Appellant Jadhav Dinesh, S/o: Jadhav Ramdas, R/o: Shamanaik Thanda H/o. Hasnapur of Utnoor Mandal, Adilabad District has been provisionally selected for the post of SCT PCs under Agency Scheduled Tribe Category of Adilabad District. As per orders in WP No.18705 of 2019, the District Collector had placed the matter before the Committee constituted vide GO Ms.No.24, dated 12.06.2018 to verify whether any complaints are received against local scheduled status or not. If any complaint is received then the District Collector has to follow the procedure as envisaged in GO Ms.No.24 and has to inform the decision taken to the Superintendent of Police concerned who has furnished the list.

4. In view of the above, the certificate of Jadhav Dinesh, S/o: Jadhav Ramdas, R/o: Shamanaik Thanda H/o. Hasnapur of Utnoor Mandal, Adilabad District has been forwarded to the Scrutiny Committee headed by the PO ITDA Utnoor constituted vide GO Ms.No.24, dated 12.6.2018 and requested

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to verify the genuineness of the Agency Area certificate. Accordingly, the Scrutiny Committee had taken up the case, conducted enquiry and concluded with the following findings duly issuing Notices to the applicant Jadhav Dinesh.

- Candidate has produced Fasli record 1358 (1948 year) pertaining to Sy.No.9 in the name of Setya (great grandfather), Theen Saal Pahani pertaining to Sy.No.6 in the name of Harijya S/o Setya (father's brother), 1981 to 2006 year record pertaining to Sy.No.42/4, 42/9 in the name of Harijya S/o Setya (father's brother) and 2013 year record in the name of claimant.
- Candidate has further submitted village revenue records pertaining to Heerapur village Sy.Nos.6, 85, 1/34 which are recorded in the name of Jairam S/o Setya (grandfather), paternal uncle Mangtya S/o Harijya, Gulam Haimad (not in the family tree) and 2014 year related to Bheem Rao S/o Jairam (father's brother).
- Candidate has not produced any documentary evidence that how the land was inherited from Nagapur village and Heerapur village which are not continuously recorded in their family members.
- As per translation copy of 1358 fasli submitted by the candidate, he claims that his forefather (Setya) are land owners of Sy.No.42/9 & 1/34 according to the wasool baqui.
- But how the land from Sy.No.42 is changed to 1/34 which is not established.
- Relationship between Jadhav Ramdas (father), Jadhav Roopsingh (father's cousin) and Jadhav Bheem Rao (father's brother) not proved beyond doubt.

5. In view of the above findings, the Scrutiny Committee concluded that Jadhav Dinesh S/o Jadhav Ramdas has failed to produce sufficient evidences to prove his continuous residence in Agency area since 26.1.1950 to till date as per GO Ms.No24, TW (LTR.1) Dept. dt:12.06.2018. Hence, the candidate is not a local scheduled tribe and the Agency Area Local Scheduled Tribe certificate issued to the candidate by the Tahsildar, Uttnoor vide Certificate No.C/399/2018 dated 07.03.2019 is liable to be cancelled and recommended for cancellation.

6. A show cause notice was issued to Jadhav Dinesh directing to attend before the District Collector, Adilabad on 23.06.2020 along with his written reply and connected documents to prove his claim as Local Scheduled Tribe. In compliance, Jadhav Dinesh had attended before the District Collector and submitted land records, as per records and as per his statement his forefathers are having land in Sy.No.9, 42, 1/34, 1/29, 6 of Heerapur and Nagapur villages, but after scrutiny the link with his forefathers and with the land was not established – the applicant directed to submit link documents and any other documents showing that they are residing in agency area, but he failed to submit – so the observations of the Scrutiny Committee were valid and recommendations were accepted.

7. The Appellant Jadhav Dinesh, S/o: Jadhav Ramdas, R/o: Shamanaik Thanda H/o. Hasnapur of Utnoor Mandal, Adilabad District, has filed an Appeal before the Government on 20.1.2021 along with documentary evidences in support of his claim that he belongs to agency area local ST category - appeal has been called for hearing on 29.1.2021 initially and later adjourned to 12.2.2021.

8. The following documents have been submitted by the appellant Jadhav Dinesh S/o Jadhav Ramdas along with the appeal dt.20.1.2021 and also during hearing before the Government on 12.2.2021.

i) Family Tree duly Notarized:

Jadhav Setya is great grandfather – he has two sons namely 1) Jadhav Harijya and 2) Jadhav Jairam (grandfather of appellant).

Jadhav Harijya i.e. elder brother of grandfather has two sons namely 1) Jadhav Roopsingh and 2) Jadhav Mangtya.

Jadhav Jairam i.e. grandfather of appellant has two sons namely 1) Jadhav Ramdas (father of appellant) and 2) Jadhav Bheemrao (younger brother of father of appellant).

Jadhav Ramdas (father of appellant) has three sons namely 1) Jadhav Dinesh (appellant herein) 2) Jadhav Ganesh and 3) Jadhav Ramesh.

- ii) Pahani of 1357 Fasli (1947 year) – Nagapur village – issued by Tahsildar, Utnoor – translated by Sri K.Raja Ram, Ex-Patwari Narnoor and Expert in Modi Language Reading and Translation – shows name of Setya (great grandfather) in Sy.No.19 for an extent of ac.1.00.
- iii) Teensal pahani for the years 1955-56, 1956-57, 1957-58 – Nagapur village – Utnoor Taluq – shows name of Harijya S/o Setya (elder brother of grandfather of appellant) shows an extent of acs.2.20 and 1.20 acs respectively in Sy.No.6.
- iv) Pahani for the year 1969-70 – Heerapur village – Taluq: Utnoor – shows name of Jadhav Jairam (grandfather of appellant) for an extent of acs.0.20 gts in Sy.No.6.
- v) Copy of Wasool Baqui register shows name of Jairam S/o Setya (grandfather of appellant) under Khata No.9 for an extent of acs.0.20 gts.
- vi) Pahani for 1970-71 – Heerapur village – Utnoor Taluq – shows name of Harijya S/o Setya (elder brother of grandfather of appellant) for an extent of acs5.25 in Sy.No.6.
- vii) Pahani 1979-80 – Nagapur village – Utnoor Taluq – shows name of Harijya S/o Setya R/o Nagapuram (elder brother of grandfather of appellant) for an extent of acs.4.00 in Sy.No.6.
- viii) Pahani 1980-81 – Nagapur village – Utnoor Taluq – shows name of Harijya S/o Setya (elder brother of grandfather of appellant)

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for an extent of acs.4.00 in Sy.No.6.

- ix) Pahani 1981-82 – Heerapur village – Utnoor Talouq – shows name of Jairam S/o Setya (grandfather of appellant) for an extent of acs.0.25 in Sy.No.1/34.
- x) Pahani 1984-85 – Heerapur village – Utnoor Taluq – shows name of Jairam S/o Setya (grandfather of appellant) for an extent of acs.0.25 in Sy.No.1/34.
- xi) Pahani 1985-86 – Heerapur village – Utnoor Taluq – shows name of Jairam S/o Setya (grandfather of appellant) for an extent of acs.0.25 in Sy.No.1/34.
- xii) Pahani 1985-86 – Nagapur village – Utnoor Taluq – shows name of Harijya S/o Setya (elder brother of grandfather of appellant) for an extent of acs.4.00 in Sy.No.42/4 patta.
- xiii) Pahani 1986-87 – Heerapur village – Utnoor Taluq – shows name of Jairam S/o Setya (grandfather of appellant) for an extent of acs.0.25 in Sy.No.1/34.
- xiv) Pahani 1987-88 – Heerapur village – Utnoor Taluq – shows name of Jairam S/o Setya (grandfather of appellant) for an extent of acs.0.25 in Sy.No.1/34.
- xv) Pahani 1987-88 – Nagapur village – Utnoor Taluq – shows name of Harijya S/o Setya (elder brother of grandfather of appellant) for an extent of acs.4.00 in Sy.No.42/4.
- xvi) Pahani 1988-89 – Heerapur village – Utnoor Taluq – shows name of Jairam S/o Setya (grandfather of appellant) for an extent of acs.0.25 in Sy.No.1/34.
- xvii) Pahani 1988-89 – Nagapur village – Utnoor Taluq – shows name of Harijya S/o Setya (elder brother of grandfather of appellant) for an extent of acs.4.00 in Sy.No.42/4.
- xviii) Pahani 1990-91 – Heerapur village – Utnoor Taluq – shows name of Jairam S/o Setya (grandfather of appellant) for an extent of acs.0.25 in Sy.No.1/34.
- xix) Pahani 1992-93 – Nagapur village – Utnoor Taluq – shows name of Harijya S/o Setya (elder brother of grandfather of appellant) for an extent of acs.4.00 in Sy.No.42/6.
- xx) Pahani 1993-94 – Heerapur village – Utnoor Taluq – shows name of Jairam S/o Setya (grandfather of appellant) for an extent of acs.0.25 in Sy.No.1/34.
- xxi) Pahani 1993-94 – Nagapur village – Utnoor Taluq – shows name of Harijya S/o Setya (elder brother of grandfather of appellant) for an extent of acs.4.00 in Sy.No.42/6.

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- xxii) Pahani 1994-95 – Heerapur village – Utnoor Taluq – shows name of Jairam S/o Setya (grandfather of appellant) for an extent of acs.0.25 in Sy.No.1/34.
- xxiii) Pahani 1995-96 – Nagapur village – Utnoor Taluq – shows name of Harijya S/o Setya (elder brother of grandfather of appellant) for an extent of acs.4.00 in Sy.No.42/6.
- xxiv) Pahani 1996-97 – Heerapur village – Utnoor Taluq – shows name of Jairam S/o Setya (elder brother of grandfather of appellant) for an extent of acs.0.25 in Sy.No.1/34.
- xxv) Pahani 1996-97 – Nagapur village – Utnoor Taluq – shows name of Harijya S/o Setya (elder brother of grandfather of appellant) for an extent of acs.4.00 in Sy.No.42/6 and also Ramdas S/o Jairam (father of appellant) for an extent of acs.4.00 in Sy.No.42/9.
- xxvi) Pahani 1997-98, 1999-2000 -do- -do-
- xxvii) Pahani 1997-98 – Heerapur village – Utnoor Taluq – shows name of Jairam S/o Setya (grandfather of appellant) for an extent of acs.0.25 in Sy.No.1/34.
- xxviii) Pahani 1998-99 – Heerapur village – Utnoor Taluq – shows name of Jairam S/o Setya (grandfather of appellant) for an extent of acs.0.25 in Sy.No.1/34.
- xxix) Pahani 2004-05 – Heerapur village – Utnoor Taluq – shows name of Jairam S/o Setya (grandfather of appellant) for an extent of acs.0.25 in Sy.No.1/34.
- xxx) Pahani for 1422 fasli (2012 year) – Heerapur village – Utnoor Mandal – shows name of Jairam S/o Setya (grandfather of appellant) for an extent of acs.0.25 in Sy.No.1/34.
- xxxi) Pahani 2015-16 – Heerapur village – Utnoor Mandal – shows name of Jadhav Bheemrao S/o Jairam (paternal uncle of appellant) for an extent of acs.0.25 in Sy.No.1/34.
- xxxii) Pahani for 2017 – Nagapur village – Taluq: Utnoor – shows name of Jadhav Dinesh S/o Jadhav Ramdas (appellant herein) for an extent of acs.4.00 in Sy.No.42/9.
- xxxiii) Voter list for the year 1993 – 243 Khanapur ST Assembly Constituency – Polling Station No.17 – Hasnapur village – show names of 1) Jadhav Jairam S/o Setya at Sl.No.791 (grandfather of appellant) 2) Jadhav Valkibai W/o Jairam (grandmother of appellant) at Sl.No.792 3) Jadhav Bheemrao S/o Jairam (paternal uncle) at Sl.No.793 4) Yasoda W/o Bheemrao (paternal aunt) at Sl.No.794 under H.No.1-179 5) Ramdas S/o Jairam

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(father of appellant) at Sl.No.795 and 6) Nirmalabai W/o Ramdas (mother of appellant) at Sl.No.796 under H.No.1-180.

xxxiv) Declaration by Hasnapur villagers dated 06.06.2016 recorded by VRO and MRI that forefathers and Jairam, Harijya sons of Setya lived in Laltekdi village about 60 years back and later migrated to Saminaikthanda where they are living presently.

9. Vide reference 4th read above, the District Collector, Adilabad has been requested to submit original record pertaining to the case along with para-wise remarks.

10. Vide reference 6th read above, a Notice has been issued to the Appellant to attend for hearing on 12.02.2021 before the Government to prove his claim along with documentary evidences. Accordingly, the Appellant has attended for hearing on 12.02.2021, and submitted the documents along with Appeal Petition.

11. From the above documentary evidences, it is to be noted that geographically the villages of Nagapur, Heerapur, Laltekdi and Saminaikthanda where the appellant presently living are situated within the vicinity of about two kilometers in the same Utnoor Taluq/Mandal of Adilabad District. The ancestors of the appellant have lands both in Nagapur and Heerapur villages in Utnoor Taluq/Mandal. The villagers in their declaration deposed before the VRO and MRI that forefathers and grandfather of appellant viz Sri Jairam lived in Laltekdi village about 60 years and later migrated to Saminaikthanda where they are living presently. Both these villages are agency villages in Utnoor Taluq/Mandal of Adilabad District as per Presidential Order, 1970. Hence, it is established that the appellant herein is a local ST of the agency area of Adilabad District.

12. In the present case, as seen from the record, there is no complaint made against the Appellant Jadhav Dinesh S/o Jadhav Ramdas R/o Shamanaikthanda H/o Hasnapur, Utnoor Mandal, Adilabad District and the District Collector, Adilabad ought to have informed the same to the appointing authority i.e. Superintendent of Police, Adilabad about his local ST status in the Agency area as per the above directions of the Hon'ble High Court. Non-compliance of above directions of the Hon'ble High Court would attract contempt proceedings.

13. Government after careful examination of the documents submitted by the Appellant along with the appeal petition, during the hearing on 12.02.2021 and also in the light of the Interim orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh in interim orders passed in IA No.1 of 2018 in WP No.31426 of 2018, dated 5.9.2018 and in IA No.1 of 2018 in WP No.32413 of 2018 dated 14.09.2018, it is found that the Appellant Jadhav Dinesh S/o Jadhav Ramdas R/o Shamanaik thanda, Hasnapur, Utnoor Mandal, Adilabad District and his forefathers have been continuously living in the agency villages i.e. Laltekdi and Shamanaikthanda of Utnoor Mandal, Adilabad District from before 1950.

14. Accordingly, Government hereby setting aside the orders of the Collector & District Magistrate, Adilabad in Proc.No.C3/530/2019-9,

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dt. 24-09-2020 and allowed the Appeal filed by Jadhav Dinesh, S/o:Jadhav Ramdas, R/o: Shamanaik Thanda H/o. Hasnapur of Utnoor Mandal, Adilabad District and treating the Agency Area Local ST Certificate bearing No:C/399/2018, dt:07.03.2019 issued by the Tahsildar, Utnoor to the appellant, as valid.

15. The Collector & District Magistrate, Adilabad shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**Dr.CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT**

To

The Collector & District Magistrate, Adilabad District.

Jadhav Dinesh, S/o: Jadhav Ramdas, R/o: Shamanaik Thanda H/o.
Hasnapur of Utnoor Mandal, Adilabad District

Copy to:

1. The Secretary, Telangana State Public Service Commission, Hyderabad (for information & necessary action)
2. The Project Officer, ITDA Utnoor, Adilabad District (for information & necessary action)
3. The Superintendent of Police, Adilabad District (for information & necessary action)
4. The PS to Hon'ble Minister for ST Welfare for information.
5. The PS to Secretary (TW)
6. The PS to Special Secretary (TW)
7. SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER